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# **‘It’s not like we’re going to jump them’: how transgressing heteronormativity shapes police interactions with LGBT young people**

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## **Abstract**

This paper explores how visibly transgressing heteronormativity shapes police interactions with LGBT young people. While research evidences how sexually and gender diverse bodies can be abused in schools, policing is overlooked. Interviews with 35 LGBT young people demonstrate how bodies transgressing heteronormativity (that is, non-heteronormative bodies) mediate their policing experiences in Queensland, Australia. Drawing on Foucault, Butler, and others, the paper suggests police interactions and use of discretion with LGBT young people was informed by non-heteronormative bodies discursively performing queerness in ways read by police. The paper concludes noting tensions produced for youthful LGBT bodies in public spaces.

**Key words:** lesbian, gay, bisexual, transgender (LGBT); body; police; queer; heteronormativity

**Word count: 8,262 words**

# **‘It’s not like we’re going to jump them’: how transgressing heteronormativity shapes police interactions with LGBT young people**

## **Abstract**

This paper explores how visibly transgressing heteronormativity shapes police interactions with LGBT young people. While research evidences how sexually and gender diverse bodies can be abused in schools, policing is overlooked. Interviews with 35 LGBT young people demonstrate how bodies transgressing heteronormativity (that is, non-heteronormative bodies) mediate their policing experiences in Queensland, Australia. Drawing on Foucault, Butler, and others, the paper suggests police interactions and use of discretion with LGBT young people was informed by non-heteronormative bodies discursively performing queerness in ways read by police. The paper concludes noting tensions produced for youthful LGBT bodies in public spaces.

## **Introduction**

Extensive literature has documented problematic relationships between young people and police (CMC 2009; Carrington and Pereira, 2009), with many highlighting how young people from diverse groups are most impacted in terms of ethnicity for example (Collins et al., 2000). Interestingly, only limited research has focused on sexuality and/or gender diversity. Police have recently worked towards building better relationships with lesbian, gay, bisexual, and transgender (LGBT) communities, but remnants of a less satisfactory history of policing LGBT communities may influence relationships conducted

contemporaneously (Tomsen, 2009).<sup>1</sup> More importantly, a burgeoning literature documents extensive victimisation experienced by sexually and gender diverse young people (Hillier et al., 2005; Stonewall, 2007) that may lead to contact with law enforcement (Remafedi, 1987).

This paper begins to explore the intersection between sexuality and/or gender diversity, transgressing heteronormativity, and embodiment, and examines how this shapes police interactions and discretion. It reports on outcomes of a research project documenting how LGBT young people experience policing in Brisbane, Queensland, Australia. Informed by Foucault, Butler, and other queer criminologies (such as Tomsen, 2009), the focus is on the role of bodies that transgress heteronormativity, what is termed in this paper non-heteronormative bodies. Non-heteronormative bodies destabilise heteronormative expectations about sexualities and genders. Heteronormativity refers to how heterosexuality is normalised and invested with the power to define all other sexualities as marginal and abnormal in contemporary Western culture (Jackson, 2003). Non-heteronormative embodiment, then, implies a multiplicity of bodily practices that destabilise heterosexual sexualities and/or genders.

Interviews with 35 LGBT young people in Brisbane highlight how non-heteronormative bodies visibly perform discourses of queerness for better and worse, and how this can shape police interactions and use of discretionary powers. The paper initially overviews relevant literature and outlines the poststructural methodological framework. Discussion then moves to how LGBT young peoples' discussions inscribe young bodies as queer and therefore non-heteronormative particularly in terms of visibility. Following this,

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<sup>1</sup> Australia has no specific federal hate crime legislation. Some legislation has been implemented on a state-specific basis (for example, sentencing aggravation provisions in New South Wales and the Northern Territory – see Mason, 2010). Queensland has no legislation like this. Currently, LGBT communities are only protected under Queensland anti-discrimination legislation.

analysis focuses on how young non-heteronormative bodies visibly perform queerness in ways read discursively by police. According to LGBT young people in this study, being read as a visibly queer body matters and policing interactions and discretion may be informed by this. They highlight how queer bodies may be visible in public spaces in ways heterosexual young people may not be, and public space is where most police interactions happen. This is further complicated, according to participants, when enacting queerness intersects and collides with being visibly youthful, visibly at-risk, and visibly risky in public spaces. The paper concludes with suggestions for further research and notes the power of visibly non-heteronormative bodies to influence policing – including their discretion not to interact with them in the first instance.

### **How being visibly diverse matters for policing young people**

Recent research about young people and police suggests their interactions are problematic at best (CMC, 2009; Carrington and Pereira, 2009). Research literature indicates young people experience police harassment and mutual disrespect (Deuchar, 2010; McAra and McVie, 2005), and their social activities are criminalised by police (Crawford, 2009). Australian youth justice processes, for example, reflect the punitiveness demonstrated in the United Kingdom and elsewhere (Goldson, 2009; Muncie, 2008), with young people: more likely than adults to be represented as offenders and victims in police statistics (QPS, 2008) and recorded crime statistics (ABS, 2008; AIC, 2009); more likely than adults to be subject to police harassment and over-policing in public spaces (Alder et al., 1992); more often engage in risk-taking activities (Smart et al., 2004) detected by police on the basis of suspicion of involvement in criminal activity (CMC, 2009).

Police are therefore suspicious of young peoples' behaviours and can subject them to increased policing in public spaces (Alder et al., 1992), which young people interpret as invasive and intrusive (Sadler, 2008). A central issue informing interactions with police is police use of discretionary powers with young people; that is, how police decide between different diversionary options, charging the young person, or not intervening (Rowe 2007). Police are expected to exercise discretion in their use of powers with young people (Chan et al. 2004), yet research highlights police use of these powers is patterned in ways suggesting young people are over-policed (Alder et al. 1992). These circumstances can be further complicated by legislation that is 'never unambiguously and precisely written' (Chan et al. 2004: 73) and police are afforded opportunities to use discretionary powers in ways that may constitute 'unwarranted discrimination' (Crawford 2009: 10) with young people. Negative encounters with police can therefore shape negative attitudes about police legitimacy amongst young people (Hinds, 2007).

This impacts especially upon young people from diverse groups (Wilson, Rose and Colvin, 2010) often considered 'innately criminal' (McAra and McVie, 2005: 28) and 'permanent suspects' to police officers (Hagan et al., 2005: 381). Australian research demonstrates Lebanese-Australian young people feel like they are 'profiled' by police (Collins et al., 2000: 172) because they congregate in groups in public and are visibly ethnically diverse. This research points to a certain visibility marked upon young bodies and made available to be "read" by police. As these factors are highlighted in research about policing diverse young people (Wilson, Rose and Colvin, 2010), it seems unusual policing experiences of LGBT young people have been overlooked as similarly representative of a diverse group. The limited research focusing on these issues suggests this area of concern requires elaboration.

### **Why focus on how the body mediates policing with LGBT young people?**

Existing research on LGBT young peoples' policing experiences is very limited and mostly based in the United States (US). Reliance on quantitative survey data with broader LGBT community samples is a core limitation, an issue highlighted by researchers calling for qualitative LGBT research to explore the complexities of these issues (Scourfield, Roen and McDermott, 2008). While quantitative studies are undeniably vital in understanding the prevalence of victimisation, for example, results are often generalised across broader samples and give little information about specific outcomes for young people.

We might know, for instance, that nearly half of 5476 Australian LGBT respondents disagreed with the idea police officers treated them 'with courtesy and respect' (Pitts et al., 2006: 52), but we do not have a clear picture of how relevant this is for young people in the study other than to say 38 percent of the sample was aged up to 25 years. However, we do know LGBT young people in the United Kingdom are four times more likely to feel harassed by police (than the broader LGBT community) and those who have been physically victimised are seven times more likely to report experiencing police discrimination or harassment (Williams and Robinson, 2004). We also know LGBT young people are significantly less likely than other LGBT people to report victimisation to Australian police (Attorney Generals Department NSW, 2003) and LGBT youth service providers suggest negative LGBT youth-police relationships impacts on how they report victimisation (Dwyer, 2008b). These outcomes would be influenced by how LGBT youth victimisation leads to a more visible, physical presence in public spaces, for example, as homeless, as sex workers, and as substance users (Lankenau et al., 2005). Only one known, now dated study has linked victimisation with increased police contact in the US

(Remafedi, 1987). This is the extent of our knowledge of how LGBT young people experience policing, limited in terms of methodological approach.

Most importantly, research has confirmed visibly non-heteronormative bodies appear linked with public safety of LGBT young people and how police think about them. Research with LGBT young people in schools (Hillier et al., 2005; Stonewall, 2007) and criminal justice institutions (Curtin, 2002) highlights how embodying sexuality and/or gender diversity makes these bodies the targets of abuse. The Attorney General's Department of NSW (2003: 16-17) found 'a close connection between safety, visibility, and appearance' in public spaces in Australia, with young LGBT respondents altering their clothing choices to "pass" as straight. One New Zealand study indicates police have learned to read visible bodily cues identifying a body as LGBT (Pratt and Tuffin, 1996). Police in this study read gay male bodies as 'effeminate' in terms of 'an effeminate way of speaking, an effeminate way of walking and standing (swinging the hips and bending the wrist)' (Pratt and Tuffin, 1996: 61), and closely aligned these bodies with sexual deviance (sadism and masochism, paedophilia, promiscuity). Research by Dalton (2007: 375) demonstrates a similar process whereby police learned from observing the deportment of gay male bodies to 'entrap gay men by mimicking gay bodily appearances, gestures and mannerisms'. This research suggests the body matters for how police think about LGBT people, and police can learn about embodying queerness in public spaces. What we do not know is how or even if this mediates LGBT young people's police interactions.

### **Poststructural framework: A focus on visible non-heteronormative bodies**

The research discussed in this paper was therefore underpinned by an assumption about the intersectionality (Davis, 2008) between the poststructural concepts of the body (Foucault,



1984; Kirby, 1997), performativity (Butler, 1990a; 1990b), and visibility (Skeggs, 1999), and the concepts of queer (Ault, 1996) and heteronormativity (Jackson, 2003) from queer theories. Research has already interrogated the role of bodies in forging LGBT identities (Barron and Bradford, 2007) and how bodies failing to align with “normal” heterosexuality are marginalised as queer and therefore abnormal (Ault, 1996). The term queer is typically used as a noun and adjective to name and describe bodies that transgress heteronormativity. In contrast, this paper uses this term as a verb – to queer is to disrupt heteronormativity by embodying diverse sexuality and/or gender. Thus, queer in this paper denotes ‘anyone whose proclivities, practices, or sympathies defy the strictures of the dominant [heteronormative] sex/gender/sexual identity system’ (Ault, 1996: 322). They are queer inasmuch as they disrupt heteronormative ideas about what it means to be heterosexually gendered in contemporary Western culture and are ‘other-ised’ (Morgan, 1995: 31) for this.

Conceptualising queer in this way makes it possible to think about how the body can queer heteronormativity (defined earlier in this paper as the normalisation and legitimisation of heterosexuality) and how the body can be done (Butler, 1990b) in ways that perform a discourse of non-heteronormative queerness. This discourse inscribes (Foucault, 1984) the body and it can be made and remade as a body that queers heteronormativity. The discourse of queerness marks the body as a text of discursive knowledge informing ‘the very matter of [the] body’s material constitution’ (Kirby, 1997: 3). This non-heteronormatively marked body performs queerness as a ‘stylized repetition of acts’ (Butler, 1990a: 140). Queerness constitutes a set of discursive ideas about how bodies are done in ways that queer dominant expectations of heteronormative gender and sexuality. That this is performed using the body makes it readable and knowable by and for others

(Dwyer 2008a). Kamler (1997: 369) examines how the body of a lecturing law professor can be read as a discursive text – he not only knows the law,

he *is* the law. His body can itself be seen as a text which is read by students...distinguished, formal, carries a trim physique, an air of affluence that entices students with unspoken rewards they may find in their future profession.

This paper argues in the same way as a law professors' body constitutes a legal text to be read by students, the bodies of LGBT young people enact non-heteronormativity in ways that may be read as discursive texts by police.

Visibility is a core concept making it possible to read performances of discursive queerness from LGBT youthful bodies. Two understandings of visibility are useful for making sense of how this happens. Firstly, visibility relates to the insistence from LGBT communities to 'become visible before the law and therefore can access protection' (Moran and Skeggs, 2004: 5). Demanding visibility like this is risky as being visible may lead to shaping narrow, rigid ideas about LGBT lives (Moran and Skeggs, 2004) because 'human subjects become particular types of individuals according to the ways in which we are rendered visible within historically specific systems of knowledge' (Mason, 2002: 14). Once an individual is made visible as a subject, they must then 'assume responsibility for modifying and constraining [their] behaviour...so as to conform' (Mason, 2002: 20) to dominant expectations of normality. The expectation of heterosexuality is precisely what non-heteronormative bodies disrupt/queer and how LGBT young people become 'the subject-to-be-looked-at' (Young, 1996: 210). Their bodies invoke the second understanding of visibility – they are spectacular examples of how not to do heterosexuality, 'something which can be pointed to and seen' (Angel, 1994: 62) in public spaces. LGBT youthful

bodies represent 'sites and sights' (Angel, 1994: 63) of queerness and a police officer becomes 'the subject-who-looks, in an ever-present state of watchfulness' (Young, 1996: 210).

Thinking through the intersection of concepts of queer, the body as discursive text, performance, heteronormativity, and visibility differentiates the research documented in this paper from existing accounts of young people and policing. Although accounts note visibility as making young people more susceptible to policing, they fail to recognise the importance of non-heteronormative visibility. This is an important distinction considering existing research shows how police can learn about, read, and describe non-heteronormative bodies (Pratt and Tuffin, 1996).

### **Methodological framework**

The aim of the qualitative, exploratory research reported in this paper was to explore how LGBT young people experienced policing in Brisbane, Queensland, and what the outcomes of these experiences were for these young people. A feedback process with LGBT youth service providers in Brisbane noted a flexible methodology with various participation options would be most suitable for LGBT young people to ensure they could participate without discomfort. Interestingly, while multiple options to participate were offered (individual audio recordings, interviews, or focus groups), all participants chose interviews, with the exception of three focus groups.

Interviewing participants was a long, complex task, even though they were accessed quite readily through key LGBT youth service providers, something comparatively easier than accessing them in schools where they can experience homophobic victimisation (Hillier et al., 2005). Due to ethical clearance disallowing the researcher from directly

approaching LGBT young people accessing the services, the researcher needed to attend the services during drop-in times (12.30pm to 4.30pm, four days per week, from approximately October 2008 to April 2009 to conduct 35 interviews) to await prospective interview participants. This was very time consuming for the researcher and added to the already overloaded work day of the service provider staff as they were required to inform and approach potential participants in the first instance. However, staff were satisfied with this arrangement as they were dedicated to raising awareness about these issues with police, and the researcher developed good rapport with young people interviewed.

Once a young person had consented to participate, a process of negotiation began revolving around the researcher being noticeably married (i.e. wearing a wedding ring). This visibly marked the researcher as not LGBT and perhaps a heterosexual meddler in LGBT lives. In line with the 'least-adult' position of Mandell (1988), the researcher performed the least-hetero role in the research process by "coming out" to staff and participants as bisexual. This legitimised the presence of the researcher in LGBT spaces and interviews could proceed.

Interview processes were also complicated by how participants were required to recall memories of their police interactions. Consumption of alcohol and other substances at the time of police interactions and detailed information was just not available from some young participants: 'I don't remember very well because I was pretty pissed' (John, 18, gay male). Substance use like this shaped not only their recollection of police interactions, but also how their interactions played out. This is explicated in the localised findings LGBT young peoples' experiences with police that broader quantitative studies typically overlook.

**'Last time I checked it wasn't a crime to be annoyingly gay': how the body matters**

According to participants, the body featured as a significant factor in how LGBT young people experienced policing. Most young people agreed the body contributed to how the interactions between police and LGBT young people played out. Discursive ideas about queerness were inextricably linked to how the body matters:

If you're dealing with police, my experience is don't flaunt it. Do not act gay do not sound gay because they'll pick that up and...they'll start hassling you. If you do have to deal with police act as butch and act as straight as possible or they get discriminative [sic] type of thing (Pinky, 18, gay male).

The non-heteronormative body is significant in terms of how it visibly transgresses the expectation of heterosexuality (Jackson, 2003), and participants describe in detail what they mean by how the body transgresses heteronormativity – that is, how the body queers. Their descriptions of their own and others young LGBT bodies were informed by specific discursive ideas drawn from media discourses of what they had learned queering bodies look like. Transgender embodiment was examined only briefly, with non-heteronormative bodies mainly being described as visibly lesbian or gay.

#### 'Chicks who look manly': constituting young lesbian female bodies

Participants constituted a certain, non-specific type of lesbian body as 'butch' and 'dykey', and were described in a way that assumed the researcher understood implicitly what it meant to be 'really dykey looking' (Xavier, 22, female-to-male transgender). Even when asked for further explanation of what was meant by 'dykey', participants did not elaborate how this body is done, noting things like 'some people dress up more dykey or butchy or whatever you call it' (Kimi, 21, lesbian female). The only distinction made was between

‘chics who look manly’ and ‘really girly dykes’ (Ticket, 19, lesbian female): ‘we all had short hair my group and we don’t dress in dresses’ (Kimi, 21, lesbian female). The key concern in their discussions of these bodies was ‘bull dykey looking girls are treated a lot rougher than a normal looking girl’ (Xavier, 22, female-to-male transgender). Participants suggested police interactions may be shaped by girls who queered heteronormative expectations of gender and/or sexuality on the basis they failed to do their bodies in appropriately heterosexual ways. Similar conclusions were drawn about gay male bodies, but these bodies were elaborated in more detail than lesbian bodies.

#### ‘Really fairy as boys’: constituting young gay male bodies

Gay male bodies were constituted as a key influence in how police interacted with LGBT young people: ‘guys who look girly cop worse than chicks’ (Alex, 18, gay male), particularly the ‘very, very girly boys’ (John, 18, gay male). All participants agreed ‘some guys are quite feminine and dress not like your average bloke’ (Kimi, 21, lesbian female). Embodying a ‘really fairy as’ (Ticket, 19, lesbian female) male body that queered heteronormative standards of masculinity by ‘looking really gay’ (Nikolas, 18, gay male) would disadvantage a young person interacting with police. These bodies were inscribed as ‘really camp and queer’ (Mac, 19, gay male) ‘looking really fabulous’ (Jimmy, 20, lesbian female) and ‘outrageously you know camp or gay’ (Conrad, 25, gay male). Participants constituted this body in more detail than lesbian bodies, with a particular focus on how gay male bodies are done (Butler, 1990b) in terms of mundane repetitive bodily comportment (Butler, 1990a). For example, Ticket (19, lesbian female) described ‘little faggy boys skipping around’ and visualised these bodies as ‘floating down the street’ and ‘prancing’. According to participants, these queer performances may act as a visible discursive filter

for LGBT young peoples' interactions with police in public places where they may be differently visible than other young people.

'More easily identifiable': making up and dressing LGBT bodies

Other "markers" of queerness were discussed by participants in terms of making up and dressing young LGBT bodies and making these young LGBT bodies as subjects-to-be-looked-at (Young, 1996) and police were subjects-who-look. Sometimes subcultural clothing styles were noted as impacting on their visibility: 'I usually say gidday to cops if I seem 'em I usually get a fair few stares walking around you know studded leathers big blue mohawk up and shit like and they'll have a bit of stares walking past' (Ticket, 19, lesbian female). Other participants stated police read their bodies in terms of inscribed (Foucault, 1984) discourses of butch or camp described above:

Well I'm a pretty butch girl so I've never had any really good relationships with police. I was locked up when I was younger...and I didn't really get treated that well cause they were like "Ah you should stand up for yourself you're butch" and it was just like "Yeah I'm a 14 year old kid with shaved head like that's just me". I think the way you look is the way you get judged when it comes to the police (Tayden, 19, pansexual female).

Clothing preferences, like being 'in drag' (Alexis, 19, gay male), were foregrounded as performing and making visible queerness. Colour was especially highlighted, like wearing 'rainbow armbands' (Addisyn, 17, gay male) and 'outrageous colourful outfits' (Quintin, 17, gay male). Tightness of clothing was also highlighted as visualising queerness: 'I had like a...real thin singlet and just a real tight pair of shorts...I looked really sort of you

know I had my hair done... I look really camp and queer' (Mac, 19, gay male). Young gay males wearing make-up was a factor that shaped a visibly non-heteronormative identity, as was a lack of make-up for young lesbian women. These characteristics were noted as drawing the gaze of police in public spaces as sites and sights (Angel, 1994) of queering, transgressive bodily display (Barron and Bradford, 2007).

#### Complicating queer visibility: other bodily visibilities informing policing

Examining the influence of non-heteronormative appearing bodies and dress was complicated by other factors of visibility. Three key factors were noted by participants as making it difficult for them to discern if they attracted police attention because they embodied queerness.

Firstly, participants noted looking youthful in terms of youth subcultural (Carrington and Pereira, 2009) stylization of the body and how this made it hard to discern if this or embodied queerness attracted police attention when anyone looking youthful can be subject to similar police watchfulness (Young, 1996). As one female participant states, 'I reckon cause I wear gangster clothes that the police pick on me more than what they would on a dyke that wears skirts because they kind of link us to criminal activity' (Meow, 18, lesbian female). Participants also suggested looking at-risk and needing protection attracted police attention as LGBT young people looked vulnerable: 'We would constantly get moved on like yeah if you're in an area and obviously you look homeless and you smell homeless and that sort of stuff' (Xavier, 22, female-to-male transgender). Looking risky was the final factor informing how police paid attention to non-heteronormative appearance, referring to looking suspicious/criminal: 'I just look like somebody that would



cause trouble tattoos piercings I do have a bad attitude sometimes but like they shouldn't really judge you like what you look like' (Jimmy Von D, 16, female).

These categories are not mutually exclusive. For instance, youthful subcultural style can make a young person look like a risky troublemaker, and an at-risk young person abusing substances is risky when substances are illegal. Demonstrated here is how a range of different often competing factors can intersect (Davis, 2008) sometimes in contradictory ways to make it more difficult to discern the role of visibly embodying queerness (Dwyer, 2008a) in police interactions with LGBT young people. It would be erroneous to assume we could ever understand how these precisely intersect and influence police interactions, yet participants' accounts interpreted police discretion as shaped by visibly queer bodies in public spaces.

### **Reading bodies as queer: police watching visibly queering bodies**

Participants recounted circumstances where they thought police were reading LGBT young bodies as non-heteronormative and, in turn, police decisions/interactions were influenced in ways differentiating from heterosexual bodies. They recounted situations where they sensed their visibility as a non-heteronormative body "weirded out" police and the impact they described was police watchfulness: 'I've been with my boyfriend with police around...they kinda just give you a weird look and look the other way' (Alex, 18, gay male). Participants felt as though they had drawn the visual attention of police by looking queer, but they had no way of gauging the extent to which this influenced police actions. We cannot therefore make assumptions about police intentions or assume these accounts accurately represent police actions. However, they did recount circumstances where LGBT young people interpreted the interactions they had with police as being influenced by how LGBT

youthful bodies performed queerness in public spaces. This was evidenced in three key ways: in police use of homophobic language, in police use of discretion, and policing queer (same sex) intimacy.

#### 'Being lippy': police invoking homophobic language

There was some evidence police used homophobic pejoratives in their interactions with LGBT young people, and participants interpreted this as police practice being informed by homophobia. Specific terms used were difficult to clarify because participants were reluctant to speak these terms, but participants' accounts suggest police were reading visible performances of queerness and using homophobic pejoratives in their interactions with LGBT young people. Again, participants relayed situations where they and their peers were involved in these interactions:

One of my friends, he is the biggest queen you'll ever meet he's got high pitched voice, walks like a stereotypical gay guy and the police pulled him over...he was breathalysed and he said "Everything all right?" and he said "Oh shut up you stupid faggot". I said nothing because they are the police and I've been in trouble and I don't want any more (Pinky, 18, gay male).

When I was with my friends that look really gay the police actually said something really rude...it's like if you look gay it's like you're asking for it...like you're just out and they say something...faggot, homo, the c word (Misch, 19, gay male).

While it is clear police are not using these terms as a standard part of their police process, police do appear to be invoking these forms of language when queerness is made visible in their interactions with LGBT young people. This may speak to the everydayness of using homophobic language like this and the importance of challenging more subtle forms of this language (like ‘that’s so gay’) in training with new police recruits. It is suggestive at least of how being visible within law may potentially produce narrow discursive understandings of LGBT lives (Mason and Skeggs, 2004) in terms of having a high pitched voice for example. Whatever the context, these terms may serve to keep LGBT young people in their place as publicly transgressing heteronormative expectations.

LGBT young peoples’ responses to police use of homophobic language had more extended consequences. A common outcome was what participants referred to as ‘going off’ (John, 18, gay male). This is where a young person will “go off” at police because police have spoken to them in what they perceive to be a disrespectful manner. This situation was common and served to further complicate interactions with police: ‘they didn’t pull me up they just drove past saying “Queer faggot” and I’m like “Whoa!” so I went off at them then I got charged for verbal abuse’ (Alexis, 19, gay male). While we do not know exactly what Alexis said when he ‘went off’ at police in this example, his resistance to police use of homophobic language was punished through a criminal charge. Police discretion has been shaped by visibly transgressing heteronormativity in this example, a situation reminiscent of how Indigenous young people are often charged with using offensive language and further criminalised by police in Australia (White, 2002).

‘If I’m not looking really gay they’ll be a lot nicer’: transgressing heteronormativity influencing police discretion

Participants noted interactions where they perceived police discretionary decision-making was influenced by how their bodies transgressed heteronormativity. While some participants simply assumed police would respond to bodies that queer, others recounted situations where a young person was aware of their bodies making visible their queerness and they felt police were paying attention to this bodily performance. Personal experiences of this were typically recounted:

We're all kinda tomboys. As soon as they realised that's that the way it was they kinda switched their attitude towards us. They started to be quite negative and they started to blame us for the incident (Kimi, 21, lesbian female).

If I'm not looking really gay they'll be a lot nicer like there have been times where me and friends have been drinking in like South Bank or somewhere. The cops will come up to us and I'll just place my bottle of alcohol behind my back and they'll see me do it but they won't make me tip it out but if I'm looking gay they'll be like search through their bags and search through my bags tip everything out (Nikolas, 18, gay male).

First time I got arrested right I was dressed up going to 'Fluffy's so I was all prettied up and all my makeup on and the cops were like calling me a fag and a poof and shit and they were like calling me a bitch and stuff and saying I dress up like Britney Spears (John, 18, gay male).

These circumstances suggest enacting queerness may influence police decision making with LGBT young people. Participants noted how they thought their bodies were being

read by police as queer, and police were interacting with them in ways that situated these performances as transgressive. Johns' body, for instance, explicitly queered heteronormativity, and police actions seem to be shaped by this in terms of 'constraining the public visibility' (Tomsen, 2009:39) of this transgression.

Participants considered non-heteronormative bodies to be influencing police physical actions and talk with LGBT young people, particularly when bodies overtly transgressed heteronormative expectations about gender for example. Participants recounted their peers' experiences of this:

One person that had to show she's transgender she's in the process of becoming a woman she had to show her ID and it came up male but you're a fucking female stop lying to us blah blah blah yeah it was pretty obvious that she looks like a girl...She's still male but she wears a wig and dresses up and everything and the cops um ripped her wig off in public once to taunt her (Pinky, 18, gay male).

A friend of mine was actually was being abused by some redneck idiot half way across the mall...yelling out "You're a faggot"...very derogatory horrible things and the police officer actually said to him "Well it may be if you didn't dress like that you wouldn't have much of a problem" (Addisyn, 19, gay male).

These examples highlight how queering gendered appearances (like mismatching male sex and female appearance) situate LGBT young bodies as queer 'matter out of place' (Skeggs, 1999: 213). Other examples highlight how this can happen in relation to sexuality as well as gender, as is well demonstrated in the following situation:

I got a \$125.00 fine for telling a copper they looked hot in their uniform um this male cop like if I had of been some big breasted blonde bimbo he probably would have let me off the fine...but cause he was a straight male copper that was insulting to him...I was in a car when I said it and we were driving past him...he said I had my body parts like right out the window so he wrote the fine out under that and they had me in the interview room and he told me that he was giving me the fine because that offended him...cause he knew he couldn't give me a fine just for telling him he was hot (Mac, 19, gay male).

Macs' actions have transgressed a boundary between homosexuality and heterosexuality, a boundary that protects the sanctity of male heterosexual bodies, and he is punished for it financially. His behaviour breached what Tomsen (2009: 22) describes as 'the cultural imagining of men's bodies as unbroken and powerful, protected from penetration and any emasculating desire'. The actions of the police officer in this situation make visible the policing of invisible boundaries demarcating inappropriate and appropriate male interactions in public spaces. More importantly, police responses in this example hint at the outcomes of transgressing expectations about being a particular type of subject – Mac failed to be responsible and modify or constrain his behaviour in line with heterosexual expectations (Mason, 2002).

Police responses to transgressive bodies make visible a powerful discursive message to Pinky, Addisyn, Mac, and perhaps other watchful onlookers – that LGBT young people 'are different, unwelcome and that any member of that community' (Hall, 2005: 69) may transgress expectations in the same way. While we cannot assume police intended to convey this message, there is little doubt queering bodies make police

interactions in public spaces challenging, something further highlighted with in relation to policing same sex intimacy.

### Queering intimacy and policing public decency

Even though homosexual intercourse was decriminalised in Queensland in November 1990 (Bull, Pinto and Wilson, 1991), it would appear police discretion is still informed by heteronormativity as police continue to informally regulate same sex intimacy in public spaces. Participants recounted circumstances where police read bodies as visibly engaged in same sex intimacy and regulated these displays in terms of public nuisance/decency:

I've seen people in the valley like cops and stuff harassing gay men...I was across the street watching and they were just standing, kissing, talking to each other and the police came up and separated them and told them what they were doing is disgusting people get offended by it they feel uncomfortable around it...saying that they were like causing a nuisance to the public and if they keep doing it they were going to handcuff them and take them away (Jimmy Von D, 16, lesbian female).

Police appear to be working here under the Summary Offences Act 2005 that polices peoples' behaviour in terms of offensiveness. Police officers exercise wide discretion in this instance, as what it means to be offensive is not clearly defined in the legislation.<sup>2</sup>

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<sup>2</sup> The Summary Offences Act 2005 defines a public nuisance as follows:

A person commits a public nuisance offence if—

(a) the person behaves in—

- (i) a disorderly way; or
- (ii) an offensive way; or
- (iii) a threatening way; or
- (iv) a violent way; and

(b) the person's behaviour interferes, or is likely to interfere, with the peaceful passage through, or enjoyment of, a public place by a member of the public.

Officers in this study appear to interpret public performances of same sex intimacy as offensive and therefore an offence of public nuisance. Personal experiences of police responding to same sex intimacy were also recounted:

I was in Anzac Square drinking...I had my boyfriend there with me and I was hugging him and all that sort of thing and I got slapped with a fine and everybody else got let off (Addisyn, 19, gay male).

I was walking through Queen Street from Fat Louis'...we weren't drunk and we were holding hands and the police pulled us over and they said "You've been drinking. Where have you been drinking?" and we said "Fat Louis'" and they said "Oh don't lie to us" and they took us down to the cop shop and gave us each a \$100 fine for drinking in public (Nikolas, 18, gay male).

While it is almost unthinkable contemporary policing would seek to regulate same sex intimacy in public spaces, these examples suggest this is happening. Sarah's (a male-to-female transgender young person) situation clearly demonstrates how notions of heteronormativity can shape police discretion:

I have a boyfriend at the moment and I'll sit on his lap in the middle of Queen Street or something or he'll sit on mine and the cops will ignore it. But my friend who'll have one of his boyfriends sitting on his lap, the cops will come straight up and say "Look you can't do that in this public area"...Public affection were the words they used to describe it.

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The interpretation of what it means to be offensive is unclear in this legislation and police can mostly interpret this depending on their individual understandings of offensiveness.



Sarah's intimacy with her boyfriend is undetected by police because it "passes" as visibly heterosexual, even though she is transgender. In contrast, her gay male peer and his boyfriend make a display of transgressing heteronormativity in terms of same sex "public affection" and this is interpreted by police officers in this situation as being offensive to public decency.

While most police interactions like this did not involve criminal penalties, one young person noted being fined on two separate occasions for 'making out' with his boyfriend in public spaces and having these fines written up by police as public nuisance offences:

Making out in a train station coppers came along and fined us actually... "This is public offence" or some crap... Shopping centre copper Capalaba me and my partner were making out at like 9 at night I got charged again for the same thing, public nuisance or disturbance (Alexis, 19, gay male).

According to LGBT young people in this study, some police officers interpret visible displays of same sex intimacy as in need of regulation to protect public decency. In this study, expressing affection towards an intimate partner in a public space is appropriate only for heterosexual young people and for LGBT young people whose intimacy "passes" as visibly heterosexual. LGBT bodies of all ages queering intimacy in public spaces have their intimacies read as visible "sights/sites" (Angel, 1994) of transgression by police in this study, who regulate these displays to ensure the heterosexual public are not offended. This regulation would leave no doubt in the minds of young people watching this that public spaces are heterosexual spaces in which only heterosexual intimacies are permitted. Not only does this breach Australian anti-discrimination legislation but it may also produce

mistrust of police among LGBT young people and may discourage them from accessing police as a vital form of support.

## **Conclusion**

This research demonstrates queer bodies matter in policing LGBT young people. The poststructural qualitative methodology has elaborated the complex experiences of these young people highlighting how the body can be performed in ways that visibly enact queerness and, in turn, is constituted as a body to be watched and regulated by police. Queering bodies transgress heteronormativity and this informs policing practices in specific contexts. Non-heteronormative bodies queer what it means to be heterosexual, and can produce policing processes suggestive of maintaining public space as appropriately heterosexual.

The results of this study in many ways mirror policing experiences of most young people in public spaces. They attract the attention of police because their behaviour is visibly “antisocial” (Crawford, 2009) and because their leisure practices are generally criminalised (Sadler, 2008) through move-on or dispersal powers. These experiences are complicated by looking visibly young and embodying youth subcultural style, and looking like a risky troublemaker, and they occupy marginalised positions in public spaces (Wilson, Rose and Colvin, 2010).

In other ways, the experiences of LGBT young people differentiate markedly from young people whose bodies look heterosexual. Bodies are done (Butler, 1990b) in terms of discourses of queerness and are situated as transgressing heteronormativity and in need of proper regulation in public spaces, particularly in terms of public offence and notions of heterosexual decency. Policing work appears to be informed by discursive expectations

about non-heteronormative bodies needing to be monitored in public spaces by police. It seems even though research suggests we have made progress with how LGBT communities are policed, queer bodies in this study are ‘successfully defined as deviant [and] subject to intense surveillance’ (Tomsen, 1996: para 4). In light of contemporary police efforts to build relationships with LGBT communities (Tomsen, 2009), we might assume these forms of regulation are more typical of historical policing. Yet it seems we have work to do in exploring how we educate LGBT young people about relating well with police and educating police about issues such as homophobic language.

Overall, this research confirms there is more we need to know about how LGBT young people experience policing. Even though population numbers of LGBT young people are unclear, incorporating measures of sexuality and gender diversity into existing measures (like the 1992 Australian survey conducted by Alder et al.) would perhaps provide a better, comparative understanding of the types and levels of police contact experienced by LGBT young people and heterosexual young people. Further research could also examine how police describe and define queerness and the transgressive bodies that enact this, like Pratt and Tuffin (1996) in New Zealand. We could also explore homophobic attitudes and criminal justice workers in an Australian context using attitudes surveys, like Bernstein and Kostelac (2002) in the US. Wherever we begin, this study evidences the need for further research on policing to ensure future equitable policing outcomes for LGBT young people.

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